

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:18-cr-490
)	
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	
)	MEMORANDUM OPINION AND
)	ORDER
ROBERT SHUE,)	
)	
)	
DEFENDANT.)	

This matter is before the Court on the motion of plaintiff United States of America (the “government”) for an order authorizing payment from an inmate trust account. (Doc. No. 28.) By this motion, the government requests that the Bureau of Prisons be directed to turn over to the government the full amount of the inmate trust account of defendant Robert Shue (“Shue”), minus \$300.00, toward satisfaction of Shue’s remaining restitution balance. Shue did not file a response to the motion, and the time for such a filing has expired.

On April 8, 2019, the Court sentenced Shue to a term of imprisonment of 79 months. (Doc. No. 25 (Judgment).) As part of his sentence, Shue was ordered to pay restitution in the amount of \$1,175.00. A special assessment of \$100.00 was also made, and a payment plan was established. (*Id.* at 6.) The Judgment provided, however, that “[n]otwithstanding establishment of a payment schedule, nothing shall prohibit the United States from executing or levying upon property of the defendant[.]” (*Id.*) The Judgment also contained a financial windfall provision that provided that Shue must “apply all monies received from income tax refunds, lottery

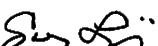
winnings, judgments, and/or any other anticipated or unexpected financial gains to the outstanding court-ordered financial obligations.” (*Id.* at 5.) The balance remaining due, as of April 29, 2021, is \$1,200.00.

The government represents that, as of April 30, 2021, Shue has a balance of approximately \$833.48 in his inmate trust account. (Doc. No. 28 at 2.) The Court finds that these funds represent a windfall that are recoverable under 18 U.S.C. § 3664(n). Federal courts, including courts within this judicial district, have recently applied § 3664(n) to motions seeking to recover unexpected gains in inmate trust accounts. *See, e.g., United States v. Lassiter*, No. 13-cr-20476, 2021 WL 486611, at *3 (E.D. Mich. Feb. 10, 2021); *United States v. Debolt*, No. 3:13-cr-134, 2021 WL 378361, at *2 (N.D. Ohio Aug. 23, 2021) (Carr, J.); *United States v. Bazazpour*, No. 4:08-cr-171, 2021 WL 2980679, at *2 (N.D. Ohio July 14, 2021) (Pearson, J.).

Accordingly, and for the foregoing reasons, the Court GRANTS the government’s motion. The Court hereby ORDERS that the Bureau of Prisons issue a check, made payable to the United States District Court Clerk, and mail it to 801 West Superior Avenue, 1-127, Cleveland, Ohio 44112, in the full amount of the funds, minus \$300.00 that will remain in said account for Shue’s miscellaneous expenses, to the Clerk of Court to be applied towards Shue’s debt.

IT IS SO ORDERED.

Dated: December 8, 2021


HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE